

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN MONTY DAVIS, a/k/a LARRY  
JEROME JOHNSON,

Plaintiff,

v.

WASHINGTON STATE BAR  
ASSOCIATION et al.,

Defendants.

CASE NO. 3:22-cv-05807-LK

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on United States Magistrate Judge Michelle L. Peterson's Report and Recommendation ("R&R") recommending that this Court dismiss without prejudice pro se Plaintiff John Monty Davis's complaint. Dkt. No. 12 at 1; *see* Dkt. No. 9 (complaint).

The Court reviews de novo "those portions of the report or specified proposed findings or recommendations to which objection is made," and "may accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). In other words, the Court reviews findings and recommendations "*if objection is*

1 *made, but not otherwise.” United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en  
2 banc) (emphasis original).

3 Mr. Davis, who is proceeding *in forma pauperis*, Dkt. No. 8, has not filed any objections  
4 to the R&R. He did, however, file a motion for discovery captioned “Davis v. Holbrook[,] 26-  
5 123,” which the Court surmises relates to his application for leave to file a second or successive  
6 habeas petition that is pending in the Ninth Circuit. Dkt. No. 14 at 1; *see* Feb. 3, 2023 Docket Entry  
7 (noting Mr. Davis’s application and case number 23-162); Dkt. No. 12 at 3. Because this motion  
8 appears unrelated to the instant action, the Court denies it.

9 Having reviewed the R&R and the remainder of the record, and in the absence of any  
10 objections by Mr. Davis, the Court hereby finds and ORDERS:

- 11 1. The Report and Recommendation is ADOPTED, Dkt. No. 12.
- 12 2. Mr. Davis’s Motion for Discovery is DENIED, Dkt. No. 14.
- 13 3. This case is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
- 14 4. The Clerk is directed to send copies of this Order to Mr. Davis and to Judge Peterson.

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16 Dated this 15th day of March, 2023.

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Lauren King  
19 United States District Judge  
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